

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HORACE HILL, JR.,

Plaintiff,

v.

ANNA JOY, et al.,

Defendant.

CASE NO. C24-5198 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Bryan A. Tsuchida's Report and Recommendation (R&R), Dkt. 7, recommending the Court dismiss Hill's complaint without prejudice and without leave to amend. Hill asserts 42 U.S.C. § 1983 claims against the prosecutor, a detective, and the Vancouver Police Department, based on his arrest and current pre-trial detention for violating a state court no contact order. Dkt. 6. The R&R concludes that this Court must abstain from interfering with an ongoing state criminal proceeding. Dkt. 7 at (citing *Younger v. Harris*, 401 U.S. 37, 45, 46 (1971)).

1 Hill objects, Dkts. 8, 9, but he does not address the authority clearly requiring the
2 Court to refrain from interfering with an ongoing state criminal case. He instead reiterates
3 that he is being charged and held wrongfully.

4 A district judge must determine de novo any part of a magistrate judge's proposed
5 disposition to which a party has properly objected. It must modify or set aside any portion
6 of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). The district
7 judge may accept, reject, or modify the recommended disposition; receive further
8 evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P.
9 72(b)(3). A proper objection requires "specific written objections to the proposed
10 findings and recommendations" in the R&R. Fed. R. Civ. P. 72(b)(2). "[I]n providing for
11 a de novo determination . . . Congress intended to permit whatever reliance a district
12 judge, in the exercise of sound judicial discretion, chose to place on a magistrate's
13 proposed findings and recommendations." *United States v. Raddatz*, 447 U.S. 667, 676
14 (1980) (internal quotation marks omitted). Accordingly, when a district court adopts a
15 magistrate judge's recommendation, the district court is required to merely "indicate[]
16 that it reviewed the record de novo, found no merit to . . . [the] objections, and summarily
17 adopt[] the magistrate judge's analysis in [the] report and recommendation." *United*
18 *States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). In so doing, district courts are "not
19 obligated to explicitly address [the] objections." *Id.* at 437.

20 The R&R correctly concludes that this Court cannot interfere with Hill's state law
21 criminal proceeding. Hill's objections are **OVERRULED**. The R&R is **ADOPTED** and
22 this case is **DISMISSED** without prejudice and without leave to amend.

1 The clerk shall close the case.

2 **IT IS SO ORDERED.**

3 Dated this 22nd day of April, 2024.

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6 BENJAMIN H. SETTLE
United States District Judge